DOCUMENT RESUME

ED 218 157 SE 038 297

AUTHOR Hurley, Mike
TITLE Social & Economic Issues in Siting a Hazardous Waste Facility: Ideas for Communities and Local Assessment Committees.
INSTITUTION Citizens for Citizens, Inc., Fall River, MA.; Rural Housing Improvement, Inc., Winchendon, MA.
SPONS AGENCY Community Services Administration, Washington, D.C.
PUB DATE Jul 82
CONTRACT 10035-81-02
NOTE 69p.
AVAILABLE FROM Additional copies may be obtained from Citizens for Citizens, Inc., 264 Griffin St., Fall River, MA 02724. $2. per copy, postage paid.

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS Citizen Participation; Economic Factors; Environmental Education; *Facility Case Studies; *Facility Guidelines; *Site Analysis; *Site Selection; Social Problems; *Waste Disposal; *Wastes
IDENTIFIERS *Hazardous Wastes

ABSTRACT

This handbook was prepared for communities selected as potential sites for hazardous waste facilities, identifying issues which need to be addressed and suggesting specific and positive steps that communities can take to shape proposals to meet their concerns. Following an introduction, specific areas addressed include: community controls, community representation, population impact, medical profile, land and structure profile, transportation route, site zoning, security, employment impact, employee health and safety, community integration, banking, housing, purchasing, archaeological impact, gasoline, local hazardous wastes, financial capability, assurances, accident planning, future development, wildlife, and post-negotiation problems. As a final note, it is indicated that the biggest negative impacts of hazardous waste siting are psychological, disruptive, and abrasive; advantages are economic. However, with careful, thorough, and advance planning, a community can minimize the negatives and take advantage of the positive. (Author/JN)

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# Social & Economic Issues In Siting a Hazardous Waste Facility

IDEAS FOR COMMUNITIES AND LOCAL ASSESSMENT COMMITTEES

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PREPARED FOR
RURAL HOUSING IMPROVEMENT, INC.

# SOCIAL & ECONOMIC ISSUES IN SITING A HAZARDOUS WASTE FACILITY:

Ideas for Communities
and Local Assessment Committees

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July 1982

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CFC Edition ..... July 1982

Published by CITIZENS FOR CITIZENS, INC., 264 Griffin Street, Fall River, Massachusetts 02724. Carlos Augustinho, President. Mark A. Sullivan, Jr., Executive Director.

Supported in part by funds derived under Contract Number 10035-81/02 between Rural Housing Improvement, Inc., of Winchendon, Massachusetts, and Citizens For Citizens, Inc.; otherwise known as the RURAL COMMUNITY ASSISTANCE PROGRAM funded by the U.S. Community Services Administration.

Opinions expressed are those of the author and are not necessarily those of Citizens For Citizens, Inc., Rural Housing Improvement, Inc., nor any unit of Federal, State, or Local Government.

Additional copies may be obtained from the publisher for $2.00, post-paid.

# Preface

Proper management of hazardous waste has emerged as the primary environmental issue of the eighties. Short of war, it presents the most serious health and environmental threat which our society confronts.

The solution to this problem does not lie within the grasp of either industry or government alone. The active and positive involvement of citizens is essential in forging solutions for safe waste management.

It is more than a cliche to say that "citizen action at the local level more than any other factor will determine the way in which our society responds to this problem." Citizen involvement means asking the right questions and studying complex data. It also means protecting the health, environmental and economic interests of communities. By insisting on knowing, citizens at the local level can make necessary and informed decisions.

This handbook, prepared as a manual for communities selected as potential sites for hazardous waste facilities, provides an invaluable resource. It identifies the issues which need to be addressed, and suggests specific and positive steps that communities can take to shape proposals to meet their concerns. We are in debt to the author, Mike Hurley, for the thorough resource he has provided.

To those of you in communities where facilities are proposed, I hope that you will not only refer to this

handbook but use it as a guideline for your approach. To those of you who are concerned citizens where proposals have not been made, I hope you will use it to educate yourselves, for hazardous waste is everyone's problem.

James Gutensohn
Executive Director
Coalition For Safe Waste Management

June 1982

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## ACKNOWLEDGEMENTS

The author wishes to acknowledge his debt to Dr. Alan B. Sharaf, Ph.D., a Geographer and former associate of the Institute for Toxic Waste Management, for his course, "Introduction to Hazardous Waste Management," his encouragement, and his review of this manuscript.

The author is also endebted to James Gutensohn, executive director of the Coalition for Safe Waste Management, for his support and the preface to this edition; and to Dr. Robert J. Dillman, Ph.D., chairman of the Department of Earth Sciences and Geography, Bridgewater State College, for encouraging and challenging me as a Geographer.

And, Philip T. Gidley of Gidley Laboratories, Sandy A. Gover of US Ecology, and several others who wished to remain anonymous; all of whom responded to my request for comments on the social aspects of hazardous waste siting.

Also, Clark-McGlennon Associates, and the League of Women Voters of Massachusetts, for their several excellent publications on hazardous waste management and siting.

And, Rural Housing Improvement for providing the resources for this work; and finally, Mark A. Sullivan, Jr., executive director of Citizens For Citizens, who allowed me to devote the time necessary to complete this publication.

# Author's Introduction

This publication is intended as a "thought-provoking" manual for communities caught up in the process of siting a hazardous waste disposal facility.

In that the Commonwealth of Massachusetts has enacted legislation which requires the developer and the community (through a Local Assessment Committee [LAC]), to "negotiate" the conditions, fringes, and concessions of the siting, it may be said that this manual is more specifically intended for Massachusetts community officials and LAC members.

While the above is certainly true, it is only the negotiating process which may vary from State to State; the issues are legitimate for communities involved in hazardous waste siting--anywhere.

It is also valid to apply many of these issues to the siting of any industry, particularly larger industries proposing to site in smaller communities. Nor is the value of this publication limited to communities; developers may find here any number of ideas which will cost them little yet gain much in good will and community acceptance.

The primary function of this work is to promote thorough planning, prevent oversight, and encourage innovative thinking, so that the negotiating experience may be more complete and beneficial to both the community and the developer. Incomplete or limited-scope negotiations can easily result, down the road, in the discovery of items you wish you had taken care of earlier. But once the negotiations have been completed, "new things" chance being rejected or put on hold (which antagonizes the community); or of being acceded to by the developer at the risk (if done too often) of wearing his patience thin.

Consider:

1. While negotiating with the community, the developer is more likely to be on his "best behavior" and to be more generous in his concessions to the community. Once negotiations are "closed," the game may get tougher.

2. When building a house, it is no big deal nor even much of a cost issue to make changes before construction begins. But once the work has started, it is expensive, time consuming, and may cause other problems if the home owner starts coming to the contractor with requests to change this or to move that. Requests made during the

negotiations are easier and less expensive to implement than changes requested after the facility is under construction or has started operations.

3. Similarly, while making changes may cause other problems, at least (in some cases) they can be made. At other times, it may be impossible to make the change. This applies not only to changes you may later wish you had made, but also to ideas you never had until it was already too late to do anything about them.

4. If you ask the developer now, to pay the cost of installing ten sets of traffic lights at critical intersections along the transportation route, it's one thing. Ask him in June to put a light here, in August to put two more there, and in December for another down yonder... Regardless of efforts by the developer to retain good will, such "dragged out" requests will strain relations, create ill will, and inevitably lead to mental receptions such as "What do they want now?"

It is to avoid such problems that this booklet was written. When you go to negotiate, go well-armed with plans and ideas.

All of my suggestions are not going to be practical in every case, nor even desirable in all communities. But if just one seems workable and helps your community--or even if it only inspires someone to a better idea--then this work has been well worth while and my efforts have been suitably rewarded.

Mike Hurley
June 1982

# 1. Community Controls

The initial psychological impact of hazardous waste siting is generally a mixture of fear, helplessness, and anger.

Fear is a healthy emotion as long as it promotes respect and a determination to take all reasonable precautions. Unfortunately, fear is contagious and accelerative. Fear makes one feel helpless and the feeling of helplessness further heightens the fear. Ultimately, a point of frustration or anger is reached, from which emotions are directed inward and seek flight, or emotions are directed outward to fight.

It is difficult to counter fear directly as it is based on sound reason -- there is a legitimate cause of the fear and the normal reaction is to be fearful. Anger is also difficult to control as it is an arousal to action following a resolution to do something. Once aroused, anger/frustration must be vented.

The key emotion which may permit a more rational, calm, and deliberate approach to the issues of hazardous waste siting, is helplessness. Reduce or eliminate the feeling of helplessness and you have a better chance to control fear and prevent anger.

RECOMMENDATION 1-1. That various means of obtaining direct input and access to the decision-making process of the proposed facility be explored.

SUGGESTION 1-1A. Will the facility accept an appointee or an elected official of the community, as a member of its Board of Directors, or of its local operating board, or admit such a person to the planning, confidences, and decision-making processes of its local management team?

RECOMMENDATION 1-2. That means for ensuring a free and continuous flow of information between the facility and the community be established.

SUGGESTION 1-2A. Require the facility management to make routine reports on facility operations, to town officials at scheduled meetings.

SUGGESTION 1-2B. Facility management should make a written report annually, to be filed with the town clerk and available for public inspection.

SUGGESTION 1-2C. A summary of the Annual Report should be made by a top-management official of the facility, at the Annual Town Meeting.

SUGGESTION 1-2D. The person appointed or elected to the facility's management confidences (Recommendation 1-1) should also make routine reports to town officials, and to the public at the Annual Town Meeting.

SUGGESTION 1-2E. Will the facility appoint an appropriate employee as its public relations officer? Such person to be available to, and respond to, the press, community officials, and community residents. Further, the public relations officer should be available during normal hours to respond to routine matters and be available regardless of day or hour when warranted by unusual circumstances.

SUGGESTION 1-2F. That the facility agree to be responsive to requests for tours of the facility and its operations, by local groups, school classes, committees, officials, or the general public, within reasonable limitations and with reasonable notice.

SUGGESTION 1-2G. That the facility agree to provide speakers to the community.

RECOMMENDATION 1-3. That a method for permitting immediate site access, without prior announcement, by an authorized community representative, be implemented.

SUGGESTION 1-3A. The community should be allowed to name a representative (the person named under Recommendation 1-1, or a community official, or other knowledgeable individual); and it should be clearly understood and agreed that this individual is to have immediate access to on-site observation at any time when

operations are in progress, and access within reasonable notice at all other times. This is not to suggest that this person should have uncontrolled or unescorted access to the facility but that he should have the right to be immediately admitted to the facility without having made prior appointment.

RECOMMENDATION 1-4. That a system be implemented whereby a decision-making-level employee of the facility is available at his office, or on call, at all times; and that this system be known to appropriate community officials.

SUGGESTION 1-4A. The facility should adopt a system whereby designated individuals are on-call on designated days, and that these designations (and both home and office telephone numbers) are routinely provided to police and fire officials, or both.

SUGGESTION 1-4B. As a compromise measure, the public relations officer and his staff establish such an on-call system with police and/or fire officials; provided that the public relations officer has prompt access to top management, day or night.

SUGGESTION 1-4C. Without regard for either of the above measures, the names, titles, and telephone numbers of all top facility management personnel should be published whenever there is a change; and the listing made available to the chief elected official(s) of the community, and to the fire chief, the chief of police, and any other designated town officials.

SUGGESTION 1-4D. That whatever type of system is adopted, the most critical aspect is to ensure prompt access to top management at night, and on weekends and holidays.

NOTES

# 2. Community Representation

Before anything begins, the real beginning is the appointment of a Local Assessment Committee (in Massachusetts) or a "committee-by-whatever-name" in other states. Great care should be exercised to ensure that the committee truly represents the community and its differing points of view as well as its different interests.

RECOMMENDATION 2-1. That a plan be made for the formation of a broadly representative committee, to deal with the issues of siting a hazardous waste facility.

SUGGESTION 2-1A. No matter how objective elected officials are, any committee composed solely or disproportionately of members appointed by them, may have or may be perceived as having political bias.

SUGGESTION 2-1B. While most volunteers are sincere and dedicated individuals, a call for volunteers also attracts people who are interested only in personal gain and ego-building. Consequently, any method which makes a public call for volunteers must be prepared also to carefully screen those volunteers.

SUGGESTION 2-1C. Elections held among the membership of local organizations, associations, etc., usually bring forth people who are either popular or are hard-workers. While there is nothing wrong with this per se, the process frequently tends to overlook individuals of skill, expertise, or special knowledge, in favor of people with greater congeniality.

NOTES

# 3. Population Impact

Siting a hazardous waste facility within the community may be expected to have at least three categories (and several sub-categories) of population impact upon the community. These are:

A. TEMPORARY INCREASES IN POPULATION.

(1) Preliminary Phase. Expect a temporary influx of planners, designers, engineers, scientists, management personnel, State and Federal environmental officials, special interest groups, press, etc., for the purpose of evaluating, planning, promoting, negotiating, reviewing, and observing efforts to site the facility. Anticipate also periodic arrival of individuals and groups to protest or obstruct siting efforts.

(2) Construction Phase. Anticipate a long-term temporary influx of developer's agents, contractors, inspectors, officials, and construction trades workers, during the entire period the facility is under construction.

(3) Operational Phase. There will be on-going, routine arrivals of short-term/overnight personnel: observers, manufacturers' representatives, trade reps, customers' agents, State and Federal officials and inspectors, and overnight truck drivers.

B. PERMANENT INCREASES IN POPULATION.

(1) Direct. There will be a permanent increase in community population due to arrival of facility employees (and their families). While some numbers and categories of employees may be hired locally, practically all management and most technical personnel will be brought in from outside.

(2) Indirect by Replacement. The facility will provide some local employment. While some of these "local hires" will be from among the unemployed, most will be from among the already employed, resulting in a local job change, leaving a job vacancy somewhere else in town. Some of these "second generation" vacancies will be filled from among the community's unemployed but many will be filled by outside workers coming in.

(3) Indirect by Expansion. Depending on the size of the community and the total numbers of outside employees (and families) brought in, there may be a shortfall in local business capability to provide services. This may result in businesses expanding or new businesses starting. Either of which creates new jobs which may be filled locally or may bring in additional outside workers

C. WITHDRAWALS OF POPULATION.

(1) Direct. There may be both immediate and delayed withdrawals of individuals and families from the community. Some, who are strongly opposed to the facility siting and/or are more closely affected by the siting, may decide to "pull up stakes" and move out before the plant can begin operations. Others may be dispossessed or otherwise forced out by land-taking, landlords deciding to increase rents due to the new demand for living space or deciding to convert property to other uses, or by major changes in traffic patterns. There will also be others who want to get out but will bide their time until they can line up a job or a home elsewhere. Yet others, who are now neutral or unopposed, may become "disenchanted" with the situation over time and may withdraw from the community at a much later date.

(2) Indirect. No community is totally static. Over time, old families or family members move out or die and are replaced by new families or children taking their place as adults in the community. Growing up with a hazardous waste facility in the community may increase the percentage of children who move out upon reaching age; and knowledge of the facility in your town may reduce the number of outsiders who would normally move in (except, of course, for those coming because of work at the facility).

Collectively, and depending on their numbers and the original size of the community, these population changes may be sufficient to alter the lifestyle of the community. Certainly, to some measure, they will have an effect on:

Housing
Schools
Fire
Police
Water

Sewage
Trash
Landfill/Dump
Parks/Recreational Facilities
Wildlife
Open Space
Medical/Dental
Public Works
Services
Businesses
Transportation
Agriculture
Lifestyle

RECOMMENDATION 3-1. That the community appoint a special committee to thoroughly evaluate all of these potential population changes.

SUGGESTION 3-1A. Statistics and percentages are useful tools, but instruct the committee to arrive at real numbers.

SUGGESTION 3-1B. Compile figures showing estimated populations at various time intervals; specifically include the three phases: preliminary, construction, and operational.

SUGGESTION 3-1C. Obtain actual or close estimates where possible: employee figures from the site developer, construction figures from contractors. Check with other communities where sites are operational.

RECOMMENDATION 3-2. That the committee's Population Report be provided to all community institutions and appropriate town departments; and that they, each individually, evaluate and report back on the potential impact of population changes on their services.

SUGGESTION 3-2A. Such institutions and departments would include, at a minimum, all of the areas

listed on the previous pages.

SUGGESTION 3-2B. Ensure that copies of both the Population Report and the Population Impact Report are made available to the general public.

SUGGESTION 3-2C. Use the data! Estimates and information contained in these two reports will help to establish realistic needs of the community, and will be useful in evaluating most of the Recommendations and Suggestions contained in this publication.

NOTES

# 4. Medical Profile

Periodically, for various reasons, an individual or a group of individuals within a community begin to believe that something is medically wrong. This belief may begin as a result of a family illness or as the result of a subjective feeling that things aren't right about town or from the accumulated observations of a group of people.

Whatever the beginning, it then requires a build-up of tensions and community outrage before any in-depth, scientific documentation is made to determine whether there is or is not indeed a problem. By this time, at best, there has been community hysteria and, at worst, a problem which already has gone too long undetected.

RECOMMENDATION 4-1. That a Medical Profile of the community be compiled, prior to the facility commencing operations, as a means to protect the population, to reduce community tensions, to provide for early detection, and to refute wrongful accusations or suspicions.

SUGGESTION 4-1A. The cost of the Medical Profile should be underwritten by the facility.

SUGGESTION 4-1B. The Medical Profile should establish and document the pre-operational levels of such items as premature deliveries, birth defects, cancers, leukemias, blood disorders, and such other items as the medical profession may determine appropriate.

SUGGESTION 4-1C. Such profile should attempt to document occurrences over the previous five-year period; and to interpret the data in terms of:

- absolute numbers,
- per capita units,
- national averages,
- regional or state averages.

SUGGESTION 4-1D. The Medical Profile should be updated and compared against the original

profile at periodic intervals. Appropriate adjustments should be made for changes in national/regional/state averages. Results of the report should be made public.

SUGGESTION 4-1E. Consideration should be given to whether such a Medical Profile should include only the host community or whether it should include neighboring communities as well.

NOTES

# 5. Land and Structure Profile

Trying to recall the locations and nature of all existing or planned facilities from memory is an unnecessary risk. "Hard" copy makes oversights less likely.

RECOMMENDATION 5-1. That a large scale map of the proposed site be constructed; such map to include at least a half-mile radius in all directions; and to show clearly and identifiably, all structures currently existing or planned.

SUGGESTION 5-1A. Sub-divide the radial area into concentric circles of desired interval. Consider at least two quarter-mile zones, the innermost being Zone I.

SUGGESTION 5-1B. Note all existing, proposed, or potential sites of historic, cultural, or tourist importance. Will the location of the site relative to the proposed facility diminish its value or access? Will tourism suffer? Can the sites be moved to another location?

SUGGESTION 5-1C. Note existing or planned recreational sites. They should be unacceptable within Zone I and marginal within Zone II. Can the site be relocated? Is it possible to make a trade with the facility developer...he gets the picnic ground existing in Zone I by giving the community a suitable parcel of land (for a new picnic ground) elsewhere.

SUGGESTION 5-1D. Calculate the population density within the Zones. Compare with population densities elsewhere in the community. If Zone I or Zone II is among the higher densities in town, then siting of the facility has been poorly done and will devastate the community.

SUGGESTION 5-1E. Consideration might be given to redrawing the map zones in isograms...showing zones of equal distribution for airborne particles and for sound. Sensitive structures should not be permitted

within high impact particle or sound zones.

SUGGESTION 5-1F. Note the location of all existing or planned schools, hospitals, nursing homes, or convalescent homes. Refer to Recommendations 5-2 and 5-3.

SUGGESTION 5-1G. Note the locations of other sensitive sites and determine whether their location relative to the facility is acceptable. Include wildlife habitat and open space in your considerations.

RECOMMENDATION 5-2. It is totally unacceptable for any schools to exist or be planned for construction within Zone I.

SUGGESTION 5-2A. As children are physically immature, they may be at risk at lower levels of exposure than healthy adults. Subsequently, schools within Zone I are absolutely unacceptable; schools within Zone II are marginal and should be avoided if possible.

RECOMMENDATION 5-3. It is totally unacceptable for any hospitals, nursing homes, or convalescent homes to exist or be planned for construction within Zone I.

SUGGESTION 5-3A. As the ill, the injured, and the elderly may generally be considered to be in a weakened physical state, they may be at risk at lower levels of exposure than healthy adults. Subsequently, such institutions within Zone I are absolutely unacceptable; their location within Zone II is marginal and should be avoided if possible.

RECOMMENDATION 5-4. That a map of the general area, extending at least 20 miles out from the proposed site, in all directions, be constructed; and that all public safety and sensitive sites be identified.

SUGGESTION 5-4A. All police, fire, civil defense, and other public safety locations should be marked, showing their proximity to the proposed hazardous waste facility. Best transportation routes from these safety locations to the waste site should be determined. Consideration should be given to discovering any unique problems which might interfer with quick response to the waste site.

SUGGESTION 5-4B. There is always the danger of an accident at one site spilling over onto a second site. With normal structures, the risk may be acceptable. Consideration should be given to secondary sites which pose unacceptable risk. Refer also to Recommendations 5-5 and 5-6.

SUGGESTION 5-4C. Consideration must be given to incompatible structures, such as oil refineries and major concentrations of fuel storage facilities, existing in proximity to the proposed site.

RECOMMENDATION 5-5. The proposed hazardous waste facility site should be at least 20 miles from any nuclear power plant, other nuclear facility, or radioactive waste disposal or storage site.

SUGGESTION 5-5A. Suggestions 5-4B and 5-4C are to provoke thought about the possibility of fire or accident at the hazardous waste site spilling over onto nearby secondary sites. Recommendation 5-5 is more concerned with an accident elsewhere spilling over onto the hazardous waste site. Any incident at a nuclear facility which resulted in an evacuation, could leave the hazardous waste site empty or under-manned; either situation could easily lead to further problems.

RECOMMENDATION 5-6. The proposed hazardous waste disposal site should be at least 10 miles from any commercial airport.

SUGGESTION 5-6A. An air crash involving any portion of a hazardous waste facility would create

serious problems. Locating the facility near an airport is a totally unnecessary risk.

SUGGESTION 5-6B. So-called "private" airports should be at least five miles from the proposed site.

SUGGESTION 5-6C. Air approaches to any airport should be prohibited over the waste facility and should be vectored at least five miles away.

NOTES

# 6. Transportation Route

Once the facility is operational, large numbers of trucks will begin arriving at the site. A lot of problems will become self-evident once the transportation process has begun but by then it may be too late to make easy corrections and/or to secure the cooperation of the site developer.

RECOMMENDATION 6-1. That the proposed transportation route be mapped in detail, to include a half-mile to either side; with certain structures and conditions clearly identified.

SUGGESTION 6-1A. The Transportation Map should extend through adjacent communities as well; it definitely should extend from the proposed site to all probable Interstate access ramps.

SUGGESTION 6-1B. Particular note should be given to all bridges, tunnels, or other specialized road structures. Careful consideration should be given to the dangers of spill accidents on such structures. Means of control, containment, and clean up should be considered, as well as provisions for alternative traffic flow. Means for ensuring that the community does not bear the cost for damages/repair to such structures should be established. Where possible, site transportation routes should avoid such structures.

SUGGESTION 6-1C. The visual quality of all intersections should be evaluated. Determine if there is need for additional traffic signs or signals. Who will pay the cost?

SUGGESTION 6-1D. The proposed route should be free of "bad" curves, steep grades, and poor quality roads. Plan to re-route the transportation plan or take corrective measures. Again, who will pay for necessary repairs or improvements?

SUGGESTION 6-1E. Traffic volume should be measured along the proposed transportation route. How severe will the strain of facility traffic be? Will it impact the frequency of road maintenance? How will the

facility share responsibility for the cost of increased road repair and maintenance?

SUGGESTION 6-1F. Keep in mind that "accidents" includes not only an accidental spill of hazardous waste being brought to the site, but includes collisions with other vehicles and pedestrians. Every possible aspect of the proposed transportation route needs to be evaluated, in detail, to minimize the increased risk of damage or injury.

SUGGESTION 6-1G. If the community has a sizeable agricultural industry, evaluate the proposed transportation route with farm machinery in mind. It's easy to jump to the conclusion that present traffic flow is light and therefore the proposed transportation route will have minimal impact. If that "light" traffic flow includes any significant amount of slow-moving farm equipment, accident risk may be far higher than "numbers" alone would suggest.

RECOMMENDATION 6-2. It is totally unacceptable for any portion of proposed transportation route to abut any school, nursery, park, playground, recreational facility, hospital, nursing or convalescent home, or the like.

SUGGESTION 6-2A. Because children are curious, quick, and generally uncautious, the risk posed by large amounts of heavy truck traffic, on streets adjacent to where children congregate, is totally unacceptable.

SUGGESTION 6-2B. Because the elderly, injured, ill, and handicapped are generally less mobile and may have sensual impairments, the risk posed by large amounts of heavy truck traffic, on streets adjacent to where they live or seek services, or over which they must pass to obtain such services, is totally unacceptable.

SUGGESTION 6-2C. Additional similar consideration might be given to heavily populated or heavily frequented areas, such as housing projects, shopping malls, and community centers.

SUGGESTION 6-2D. In some cases,

particularly schools and playgrounds, the prohibition on site transportation routes might well be extended to include streets one block removed.

RECOMMENDATION 6-3. While the above have been written from the viewpoint of road transportation, do not overlook the possibility of rail or marine transportation, now or in the future; similar considerations should be given.

NOTES

# 7. Site Zoning

If a hazardous waste facility is to be located within the community, there are several non-technical aspects of the site itself which may make the facility more acceptable or at least less irritating.

A common complaint (not by any means restricted to a waste facility) is noise. Other frequently encountered complaints are general appearance, odor, smoke, and air-borne particles (stack emissions and dust). Odor, smoke, and stack emissions are governed by Federal and State regulations. Appearance, dust, and to some degree noise, are not and are therefore appropriate items for negotiation.

RECOMMENDATION 7-1. That a Buffer Zone be constructed around the waste facility.

SUGGESTION 7-1A. With the possible exception of specified non-operational areas (security facilities or administrative offices), the facility should be surrounded by a buffer zone, extending at least 300 feet.

SUGGESTION 7-1B. This Buffer Zone may be open space, landscaped, or timbered; however, those parts of the facility which are the most unsightly in appearance, or generate the most noise, or raise the most dust, should be buffered with a zone of standing timber.

SUGGESTION 7-1C. Another approach to "buffering" is "Step-Down Industrial Zoning." Consider the potential for economic growth, and the buffering of the hazardous waste facility, if the facility is placed at the core of concentric zoning rings. The first ring (core) contains the waste facility; the second ring is zoned for heavy industry, power plants, chemical manufacturers, waste exchanges, recycling industries; the third ring is reserved for light and "clean" industry; with a fourth ring of environmental greenspace.

RECOMMENDATION 7-2. That prohibitions be placed on dirt or gravel roads into or within the facility.

SUGGESTION 7-2A. As a means of reducing dust, all roads into the facility should be blacktopped. Dirt or gravel roads should be prohibited with necessary allowances for short "working" stretches in landfill areas. Staging areas and all truck turnouts should be hard surfaced.

RECOMMENDATION 7-3. That wherever possible, high visibility structures and the entire site be harmonious with the natural landscape and community lifestyle.

SUGGESTION 7-3A. It may seem impossible to locate a high technology facility in a rural community and expect architectural harmony. Harmony, however, comes not solely from design, but from choice of building materials (finishing as opposed to structural), location (both the site, and on the site), and landscaping as well.

NOTES

# 8. Security

While it may safely be assumed that the facility will adopt certain security measures against unauthorized entry, it may be well to insist on additional measures to provide maximum protection for the community.

RECOMMENDATION 8-1. That the perimeter of the facility, excluding the Buffer Zone, be fenced.

SUGGESTION 8-1A. Regardless of compromise about which areas are to be fenced, all operational areas should be enclosed.

SUGGESTION 8-1B. Fencing should be of such a height and nature as to prevent accidental trespass and to severely retard deliberate trespass. Keep in mind that the young frequently need to be protected against themselves.

RECOMMENDATION 8-2. That warning signs, both verbal and non verbal, be posted conspicuously at specified intervals.

SUGGESTION 8-2A. The general size and content of such warning signs should be specified. Agreement should be reached specifying the interval between signs. It is suggestible that signs be placed in such a manner and at such interval that at least one sign is visible from any point along the perimeter.

SUGGESTION 8-2B. Any significant languages within the community should be acknowledged with bilingual signs. Consideration should be given to anv significant language groups within adjacent communities.

SUGGESTION 8-2C. Consideration should be given to native languages of people residing within 500 yards of the site perimeter, whether they represent a significant language group or not.

SUGGESTION 8-2D. For the safety of young

children and those unable to read, non verbal signs (pictures, symbols) should be included. The international symbol for hazardous wastes is useless, as it is unknown by most adults and totally meaningless to children. The more universal "skull and crossbones" would get the idea across but might be considered offensive by the facility. The more modern "Mr. Yuk" might be an acceptable substitute, or other symbols might be considered.

SUGGESTION 8-2E. Whatever signs are decided upon, they should be posted in groups. That is, not a sign in English here, a sign in Spanish 40 yards down the perimeter, and a non verbal sign 40 yards beyond that. Rather a cluster of the three signs every 40 yards.

RECOMMENDATION 8-3. That the facility submit a detailed plan showing the numbers, frequency, and operational method of its proposed security force.

SUGGESTION 8-3A. It is not enough to know that the facility will provide security. How much security? How many people at given times? By what method? Will security guards stand at the main entrance to the facility, or will they patrol?

SUGGESTION 8-3B. There definitely should be security guards on duty, at all times, at the main entrance to the facility. There should be guards at any other entrance to the facility at any time that entrance is open. There should be a patrol of the perimeter at various intervals; or the perimeter should be under periodic observation. There should be a constant fire watch. The security/fire force should never, at any time, consist of one person, and should always be under the supervision of, and in radio communication with, a "command post."

NOTES

# 9. Employment Impact

Don't assume that 200 jobs means 200 top-quality jobs for the local community. In all probability, the top management and technical jobs will be filled by employees from the Home Office or from other sites. Many more will be filled through new hires but because of the specialized education and experience requirements, most will be hired "at large" or recruited from other cities. Getting specific during the site negotiations is your best chance to maximize local employment opportunities.

RECOMMENDATION 9-1. Get specific. Request a reasonably accurate listing of all jobs the facility will provide.

SUGGESTION 9-1A. The listing should include job title, the number of positions with that job title, whether full or part-time, salary or hourly rate, and the estimated date when the job will begin.

SUGGESTION 9-1B. Request that the facility identify which of the jobs are already filled, which will be filled by relocation of company employees, and which will be new hires.

RECOMMENDATION 9-2. Obtain guarantees that some specific plan will be used to maximize local hires.

SUGGESTION 9-2A. Go for guarantees of some specific minimum number of jobs for local hire.

SUGGESTION 9-2B. Which jobs, specifically, from the job listing, will be made available for local hire? What preference will be given to local hire? By what method? How will the system work?

SUGGESTION 9-2C. Define "local." Will local mean the host community or will it include adjacent communities? Should there be a preference system which begins with the host community and diminishes as it moves out from the community?

SUGGESTION 9-2D. Get assurances that local hires will not be restricted to lower echelon and "non-professional" positions only.

RECOMMENDATION 9-3. That the facility establish training programs and policies to assist individuals from the local community (communities).

SUGGESTION 9-3A. Identify job positions where limited and reasonable amounts of special training can permit local residents to meet minimum job skills. Have the facility agree to provide that training prior to hiring for those jobs, and guarantee job preference for "training graduates."

SUGGESTION 9-3B. Will the facility provide on-the-job training and/or other special training (to include sending employees to seminars, short-courses, and industrial training), which will help locally hired employees qualify for job advancement?

SUGGESTION 9-3C. Will the company post job openings within the facility to ensure that their employees may apply on a timely basis? Will they do so with jobs at other sites or offices within their corporation? Within the parent company?

SUGGESTION 9-3D. Will the facility provide any form of tuition assistance for employees to further their education in areas related to the interests and needs of the facility?

SUGGESTION 9-3E. Ask the facility to set up a scholarship program which will assist children of local employees who may wish to pursue a college education in a field related to the business of the facility.

RECOMMENDATION 9-4. That the facility provide a listing of the "fringe benefits" it will provide for its employees.

SUGGESTION 9-4A. A company tells you a lot about itself and how it views its employees, by telling

you what it provides in fringes, including medical, dental and life insurances; pension and disability; holidays, sick and annual leave.

SUGGESTION 9-4B. What is the company's policy on firings and lay-offs? Do they have a satisfactory internal grievance procedure? How much notice will be given for firings? For lay offs?

SUGGESTION 9-4C. Will leaving employees, whether fired, layed off, or voluntary, be paid for earned but unused annual leave?

SUGGESTION 9-4D. Will the company provide recommendations for employees who are leaving voluntarily or who have been layed off?

RECOMMENDATION 9-5. The facility should prepare a plan detailing how they intend to assist local employees and their families in the event the facility should cease operations or otherwise cause massive lay offs.

SUGGESTION 9-5A. In the event of massive layoffs, from whatever cause, including closing of the facility, the unemployment impact in your community may be significant. At a minimum, the facility should agree to take steps to eaze the impact upon families and the community. Ask the facility to make proposals.

SUGGESTION 9-5B. If lay offs are a result of facility closure or reduction, will local employees be given the opportunity to transfer to similar jobs elsewhere within the parent company or at its other sites? Will relocation assistance be given?

SUGGESTION 9-5C. Will the facility establish a "job office" to help layed off workers find other employment, to include similar employment with competitors?

NOTES

# 10. Employee Health and Safety

If we assume the facility to be safe -- which is to say that, in the end, the hazardous materials are safely incinerated, neutralized, detoxified, recovered, or buried -- it yet remains that facility employees have handled, moved, opened, tested, or generally been present for prolonged periods of time in the presence of hazardous materials.

Consequently, it may safely be assumed that whatever the risk to the community, the risk is greater for facility employees.

As those employees come from the community or, having come from outside, become part of the community, their health and safety is a legitimate community concern.

RECOMMENDATION 10-1. That the facility establish a plan/procedure for routine health monitoring of its employees, especially for those in greater risk/exposure job functions.

SUGGESTION 10-1A. There are documented cases where employees have unknowingly brought health hazards home to their families -- asbestos particles in their clothing, for example. Perhaps the facility's employee health monitoring program should extend, in some fashion, to the employee's family.

RECOMMENDATION 10-2. That the facility establish a plan/procedure for a more extensive health monitoring of all employees, public and safety officials, and general public involved in any accidental spill and its clean up.

SUGGESTION 10-2A. Three "levels" of health monitoring seem suggestible: the highest for those persons directly exposed to the spill and without any protective gear; the second for those involved in the

clean up and presumably wearing protective equipment; and the third level for those not involved but present at or residing near the accident scene. See also Recommendation 20-1.

RECOMMENDATION 10-3. That the facility demonstrate its committment to employee safety by establishing a system for the hearing and resolution of safety grievances brought by its employees.

SUGGESTION 10-3A. The facility might create a safety ombudsman or permit employees in each job category or worksite to select a safety "steward." Whatever the approach, the key elements are a means for employees to bring safety grievances/suggestions to management's attention without fear of reprisals; and a means of resolving such issues.

NOTES

# 11. Community Integration

Will the facility take positive steps to become a good neighbor, to integrate with the community, and to become an active partner in community affairs?

RECOMMENDATION 11-1. That the management team of the facility express confidence in their technology and management, set a positive example, and demonstrate interest in becoming part of the community, by living in the community.

SUGGESTION 11-1A. Top management will not come from local hiring -- they will be relocated from the Home Office and other sites. Will they relocate with their families? Where will they live? Will they buy or build in the community, in adjacent communities, or will they commute from a distance?

RECOMMENDATION 11-2. That the facility management present a plan for active community participation.

SUGGESTION 11-2A. Let the facility management know that you expect them, as a corporation and as individuals, to fully participate in community efforts. Ask them to prepare a plan of ways in which they will become involved in the community.

SUGGESTION 11-2B. The facility should join the local (or area) Chamber of Commerce; and actively participate in its affairs.

SUGGESTION 11-2C. The facility should participate as a corporation in the United Way; should encourage employees to contribute; should permit giving through payroll deduction; should provide a representative as an active member of a United Way committee.

SUGGESTION 11-2D. The facility should provide special assistance or support to one or more local

youth programs ... Cub Scouts, Boy Scouts, Girl Scouts, Brownies, Campfire Girls, Boys Club, YMCA/YWCA, Little League sports/youth sports, 4-H, etc.

SUGGESTION 11-2E. The facility should provide special assistance or support to one or more local social service organizations.

SUGGESTION 11-2F. Facility management should join, and encourage other employees to join, and participate in civic organizations such as Kiwanis, Lions, Exchange, Rotary, etc.

SUGGESTION 11-2G. The facility should prepare a plan for domestic support to the community in the event of a local emergency in the community: fire, storm, flood, snow, or other natural disaster or accident.

NOTES

# 12. Banking

Any operation, regardless of size, will require cash flow for payment of services, materials, and payroll. What is the total projected cash flow of the facility? How much of that is payroll? And how will the cash flow be handled?

All of which leads to the question -- how much will be done locally? Will payroll be drawn on local banks or sent by courier from a "Big City" bank or even, perhaps, sent out from the Home Office on their bank?

In short, who gets the banking business? You... Boston...New York...or California?

RECOMMENDATION 12-1. That at least half of the facility's cash flow be drawn on local banking accounts.

SUGGESTION 12-1A. The facility may want to meet payroll and pay bills by check from the Home Office. Suggest that the facility operate on the basis of a monthly or quarterly cash draw-down from the Home Office, for deposit in local banks.

SUGGESTION 12-1B. If you can't get all of the banking business, get what you can, but get some of it. It's not just a matter of business, it's also bank assets and the financial strength of the community.

SUGGESTION 12-1C. If payroll becomes an unyielding issue, try to separate payroll into two groups: the salaried personnel by check from the Home Office, and the hourly wage earners by check from local accounts.

NOTES

# 13. Purchasing

Purchasing needs of the facility may be considered in three categories: construction, set up, and operational.

A. CONSTRUCTION PHASE.

During construction, there will be need for sizeable quantities of raw (sand, gravel, concrete) and processed (steel, block, lumber) construction materials, as well as related building products (heating, plumbing, electric), and finishing materials (sheetrock, plaster, paint, glass).

Depending on the size and nature of your community, you may or may not (as a business community) be able to compete successfully in availability, quantity, and price of these materials. Nevertheless, your business community (and neighboring communities) should be able to handle (and get) at least some of the business.

Nothing could be worse than to have the facility built in your community with every last stone, nail, and curtain rod sold by the "lowest bidder" in some distant city.

RECOMMENDATION 13-1. Find out what materials are needed and what your merchants can handle.

SUGGESTION 13-1A. Compile a reasonable estimate of the types and quantities of materials required for construction. Seek the developer's cooperation in obtaining the information. If he can't, consider whether it's worth hiring (or let the area merchants, or the Chamber of Commerce, hire) a consultant to make the estimates.

SUGGESTION 13-1B. Distribute the materials list to area businesses; let them determine what they think they can provide on competitive terms.

SUGGESTION 13-1C. Negotiate with the developer to work out a system to ensure that all local businesses have an opportunity to provide materials and that they have some form of competitive advantage.

SUGGESTION 13-1D. In all areas (listing construction materials needs, determining merchant capabilities, negotiating with the developer), get as specific as possible.

RECOMMENDATION 13-2. Negotiate a preferred percentage for local businesses.

SUGGESTION 13-2A. It may be assumed that in smaller communities, because of the smaller volumes, prices may not be as competitive as prices from larger-volume, big-city businesses. The price advantage of the one versus the other may well come down in most cases to the cost of transportation from the "Big City" versus free local delivery. Even so, in many cases, this may not be enough of a price edge to guarantee local purchase. Negotiate a preferred percentage.

The concept is: "I know you can get a truckload of block from XYZ Company for $600. You can get it from me for $618. Isn't it worth eighteen dollars in PR and good will to buy local?"

If you can "sell" this concept, you have really determined that a local bid can be (in this case) 3% higher than an out-of-area bid and still be considered the lowest bid under a competitive system.

SUGGESTION 13-2B. Whether it comes out as two, three, or six per cent, negotiate a definite figure as a preferred percentage for local purchase.

SUGGESTION 13-2C. Define "local." At least in this case (purchasing), you should definitely include the broader business community of the general area. You may, however, wish to negotiate a sliding scale of preferred percentages: higher for your community, and a bit less as you spread outward.

B. SET UP PHASE.

Once construction is finished, there will be need for quantities of equipment and other materials: desks, typewriters, file cabinets, tables, chairs, laboratory equipment, and so forth. Depending on what

was considered part of construction, there may yet be landscaping and interior decorating needs.

RECOMMENDATION 13-3. Insist that as much of the set up equipment, materials, and services as possible, be contracted locally.

SUGGESTION 13-3A. Follow Recommendations 13-1 and 13-2, and the Suggestions under them. Compile estimates of needs, advise local merchants, determine capabilities to provide, negotiate a preferred percentage, and get as much of the business locally as you can.

C. OPERATIONAL PHASE.

After operations have begun, there will be a continuing need for routine delivery of consumable supplies. Although the bulk of these may be chemical or technical supplies, there will always be a need for basic office supplies, which your community certainly can provide.

RECOMMENDATION 13-4. Insist that contracts for office supplies be given to local businesses.

SUGGESTION 13-4A. Again, follow the previous Recommendations. Negotiate a percentage.

SUGGESTION 13-4B. While office supplies is used as the "key phrase" in this Recommendation, do not overlook vehicles, work "uniforms" and laboratory wear, safety shoes, chemicals, lab equipment. Get as thorough as possible about on-going needs of the facility, and see what you can provide.

RECOMMENDATION 13-5. Ask the facility's cooperation to determine whether its continuing needs may be sufficient to start a new business in the community.

SUGGESTION 13-5A. Determine whether any of the chemical or technical materials needs of the facility will be large enough and steady enough to support (or assist) a local business that might not presently exist. A solidification/stabilization process, for example, will require large amounts of lime and flyash. Is there enough potential to encourage the start of a local business to fill this need? To encourage expansion of an existing business?

SUGGESTION 13-5B. Considering the large economic potential for new businesses, it may be worth while for area merchants or the Chamber of Commerce, to hire a consultant specifically to evaluate facility needs relative to business startup/expansion.

NOTES

# 14. Housing

Having considered the issues under Section 3 (Population Impact), it should be possible to form some estimates of need in the housing industry: both temporary and permanent, rental and purchase, existing and new construction.

RECOMMENDATION 14-1. Determine the number of home sales and new construction likely.

SUGGESTION 14-1A. Based on your population impact report and current housing stock statistics, try to estimate how new families can be integrated into the community. How many homes are likely to be for sale? How many existing structures may be converted into apartments? How much new construction might there be?

SUGGESTION 14-1B. Given the recent trend of interest rates, is it likely that new families coming into the community will be able to afford mortgages? What impact will this have on the community if a sizeable number of families are forced to seek rental units? Are they available? Will it force them to spread out and commute from distant communities instead of living locally? What will this do to their attitudes about being part of your community?

SUGGESTION 14-1C. An employee who lives in an adjacent town but works in your town, is as likely to identify with the town, the broader community, and the "area" as much as anyone else. The employee who lives 30 miles and three communities away, however, may never really become part of your community. What steps can your community and your businesses take to help locate as many of the incoming facility employees as possible?

SUGGESTION 14-1D. If the banks are guaranteed enough of the facility's cash flow (See Recommendation 12-1), are they willing to set a special interest rate to help locate employees in the community?

SUGGESTION 14-1E. What will the facility do? Are they willing to pick up part of the interest to help their employees relocate? Will they provide mortgage

guarantees? Would they consider bonuses, low-interest loans, or second mortgages, to help employees purchase homes in the community?

RECOMMENDATION 14-2. Estimate whether there is likely to be a need for additional motel/hotel accommodations.

SUGGESTION 14-2A. If a determination of need is made, how can it be accomplished? Of particular importance is to not "over-build." Construction or business expansion to meet the needs of an influx of long-term, temporary construction workers, may become a white elephant after the workers have left.

SUGGESTION 14-2B. Within limits, temporary accommodation may be the best solution to temporary needs.

RECOMMENDATION 14-3. Give consideration to a trailer park.

SUGGESTION 14-3A. Zoning to permit a trailer park may be an ideal solution for the housing needs of long-term, yet temporary, construction workers.

SUGGESTION 14-3B. Ensure that the long-range future of such a move is considered. What happens to the trailer park after the construction phase is completed? Will it is still be useful/needed? Can it be put to other uses (college housing)? Will the community accept a trailer park on a permanent basis or only as a temporary expedient. Should any zoning passed to permit the trailer park be passed with a built-in cut-off date (sunset legislation)?

SUGGESTION 14-3C. If a trailer park is permitted, should it be left to commercial business to do it; to the chief contractor; or should the community maintain an interest in it? If the park is to be considered temporary, it may be difficult to interest business in doing it.

SUGGESTION 14-3D. Suppose the community

owns the land and offers its use to the developer or to the chief contractor. There may or may not be a fee for its use. There is, however, an agreement, whereby the contractor may let his workers (and sub-contractors) come in and move trailers onto the site. The developer/ contractor agrees to make certain site improvements... water, electricity, sanitary facilities; maybe a few other items...perhaps a pavilion, a trailer park "office;" certainly some roads and walkways...maybe some benches and barbeque pits. When the construction of the waste facility is complete, the trailers move out, the contractor cleans up the site, and the community is left in possession of a park, camping or recreational facility, with most of the necessary improvements in place, without expense to the community.

SUGGESTION 14-3E. Regardless of the trailer park idea, with so many construction workers and so much construction equipment around, the community should at least get a graded ball field, complete with fencing and a few bleachers.

SUGGESTION 14-3F. If the above trailer park idea is pursued (Suggestion 14-3D), careful consideration must be given to its location. The contractor might want such a site close to the construction site, while ultimately as a recreational facility, it should be somewhat removed.

NOTES

# 15. Archaeological Impact

It is possible, particularly when dealing with several hundred acres, for excavation to turn up remains of archaeological significance. Should such an event occur, it may be unnecessarily restrictive to preclude further excavation or to prohibit construction, but certainly some consideration should be given to analyzing and preserving the find.

Some states have laws requiring archaeological impact statements, and specify what steps are to be taken in the event of a "discovery." Others do not.

RECOMMENDATION 15-1. That the community call upon the State College system to provide archaeological advice.

SUGGESTION 15-1A. Determine whether there are any applicable state laws and how they impact the proposed facility siting.

SUGGESTION 15-1B. Whether there is any legal requirement to do so or not, attempt to secure an archaeological impact statement. At a minimum, a qualified individual should be able to render an educated guess about whether it is likely to find anything at the proposed site; and if so, what it is likely to be.

RECOMMENDATION 15-2. Negotiate a reasonable approach to protecting archaeological interests.

SUGGESTION 15-2A. It may be advisable to make arrangements to have periodic site inspections by a qualified individual, during the excavation period.

SUGGESTION 15-2B. Some understanding should be reached which would permit the "archaeological observor" to halt or divert excavation to another area, for a reasonable period of time, sufficient to permit his evaluation of any discovery.

SUGGESTION 15-2C. In the event the observor determines any find significant or meritorious of further evaluation, there should be a process whereby the discovery can be protected from further excavation until the issue has been resolved.

NOTES

# 16. Gasoline

Once the facility is operational, there will be relatively large numbers of trucks making deliveries to the site. Where are they going to gas up? Will they be coming such short distances that they gas up "at home?" Will they fill up at the facility itself? How about a truck stop 30 miles down the Interstate after they've left town? Can anything be done to keep some of the gasoline business in town?

RECOMMENDATION 16-1. That the community compile some idea of the projected truck frequency and the haul distances; and try to capture some of the gasoline business.

SUGGESTION 16-1A. If you are a smaller community, chances are that no existing gas station has enough space for the trucking business; quite likely, none are located where the community would want a lot of truck business; and possibly, no one carried diesel fuel. Ensure that the facility will not compete by selling gas itself, and see if there is enough potential to encourage a business expansion or new business to keep the gasoline sales in town.

SUGGESTION 16-1B. If potential warrants an effort, such a truck stop should be convenient to the facility, and on the way out of town, toward Interstate connections.

SUGGESTION 16-1C. Ensure coordination of any such plans with the facility's transportation route.

SUGGESTION 16-1D. Additional restaurant facilities, probably necessary in conjunction with the influx of site construction workers, might be best assured of a post-construction-phase future if integrated with the truck stop.

NOTES

# 17. Local Hazardous Wastes

In any community, no matter how "clean" it is perceived to be, there is definitely one (and maybe two) source of hazardous waste already present.

First, it is always possible that illegal or uncontrolled dumping of hazardous waste has happened at some time in the past.

Second, every business (and every household for that matter) generates waste. The difference between waste, WASTE, and Hazardous Waste is only a matter of relative quantity and toxicity. It is highly likely that some businesses within your community are disposing of wastes unwisely, or illegally, or at great expense.

RECOMMENDATION 17-1. That the facility, as a gesture of good will, agree to clean up any specific existing hazardous waste problems within the community.

SUGGESTION 17-1A. If any illegal or uncontrolled hazardous waste dumping has occurred within the community, and if there is no way to provide immediate relief other than for the community to bear the cost, it is strongly suggested that clean up of this existing site (or sites) be a good faith prerequisite by the proposed developer.

SUGGESTION 17-1B. There may be other situations in the community where the expertise of the facility management may be useful in discovering a problem or developing a solution. The facility should agree to cooperate and provide both its personnel and resources to bring community relief. See also Recommendation 19-1.

RECOMMENDATION 17-2. That the facility agree to provide, at reasonable cost, for the safe disposal of hazardous wastes generated within the community.

SUGGESTION 17-2A. Conduct a realistic

review of businesses in your community to determine the extent of hazardous wastes being generated. Don't overlook such institutions as hospitals and schools. Warning: the results may be surprising and shocking.

SUGGESTION 17-2B. Many of the "hazardous waste generators" in your community may find it difficult to properly dispose of their wastes because of their small volume and the great expense. The facility should agree to accommodate the needs of the local community, even if it requires giving them a substantial discount for services.

NOTES

# 18. Financial Capability

It has been said, in retrospect, of many successful business ventures, that they started on a shoestring. While such success stories are commendable and provide fuel for the "American Dream," the thought of "shoe-stringing" a hazardous waste facility is abhorent and, because of the high risks involved, is totally unacceptable.

RECOMMENDATION 18-1. That a financial report be obtained to show whether the developer has the resources to construct and maintain the proposed hazardous waste facility.

SUGGESTION 18-1A. In Massachusetts, such financial studies have been undertaken by the Coalition for Safe Waste Management, Inc. Massachusetts communities should contact the Coalition for such financial information analysis. Communities in other states should determine whether such a public interest group exists in their area.

SUGGESTION 18-1B. The financial studies released by the Massachusetts Coalition are based on a data list developed by the Massachusetts Society of Certified Public Accountants. This list includes:

- audited financial statements of the proposed developer for the last three years;

- a listing of other projects currently operating or under construction; with a description of how each of them has been financed; and the names of those providing the financing;

- a statement of how the developer intends to finance the construction, with letters of commitment from any outside equity participants and lenders;

- the basis for estimated construction costs;

- a description of the type of construction contract to be entered into and identification of the prime contractor.

- whether a performance bond will be required of the contractor;

- if the developer is a subsidiary, whether the parent company will guarantee obligations;

- the projected revenue, expenses, and cash flow of the project for the first five years of operation; including the basis for calculating individual line items;

- the actual revenue, expenses, and cash flow of other projects undertaken by the developer;

- a description of the insurance coverage to be maintained on the project, including liability;

- whether the developer or related parties will be involved in any other activities; or with related projects.

NOTES

# 19. Assurances

Siting a hazardous waste facility is obviously far different from siting a grocery store. If the store owner changes his mind half-way through construction, or goes bankrupt two years after opening, or decides to retire after twenty years, the "store facility" poses little problem for the community. The same things happening to a hazardous waste facility can spell trouble in capital letters. Some means of obtaining assurances, financial or otherwise, need to be incorporated as part of the negotiating experience.

RECOMMENDATION 19-1. That the developer agree to clean up any uncontrolled hazardous waste dump site which may be known to exist, or subsequently discovered, within the lands designated as part of the proposed facility site.

SUGGESTION 19-1A. With the volume of illegal or uncontrolled dumping that has gone on in the past, the possibility always exists that such a dump could be found on the acerage intended for development of the hazardous waste facility. The developer should agree, that if such a site exists, or is found, it will be the developer's responsibility to clean it up. It should not be necessary to remind the developer that such "inheirited responsibility" has legal precedent.

SUGGESTION 19-1B. It is presumably possible for the developer to encounter "such a mess" as to desire to back out, wash his hands of the thing, and attempt to site elsewhere. Whether the developer goes elsewhere or not, he should be commited to cleaning up the uncontrolled site. Refer also to Recommendation 17-1.

RECOMMENDATION 19-2. That the facility carry insurances sufficient to protect against any natural disaster or "Act of God."

SUGGESTION 19-2A. Any severe accident, whether resulting from fire, explosion, wind, or other instrument, may have three immediate results: stoppage or reduction in work, repair, and clean up. The first item reduces facility revenues at a time when the last two items increase expenditures. Sufficient insurances must be carried to ensure that the facility is not forced into closure or bankruptcy, leaving the community to deal with an unsecure site.

RECOMMENDATION 19-3. That the facility post financial assurances sufficient to secure the site, safely close out operations, and provide for future site monitoring, in the event of bankruptcy, receivership, or other close of business.

SUGGESTION 19-3A. Any number of items can turn a successful business to bankruptcy: increased operating costs, decreased revenues, obsolesence or major shifts in technology, poor management, or too low a profit margin. Even a financially healthy facility can be drawn down by troubles within the parent company. Bond or other financial assurances must be posted, sufficient to guarantee that the facility does not simply lock its gates. On-site wastes must be secured or transferred, landfills must be closed, and operations shut down in a safe and orderly manner. Even after the site is clean and secure, provisions must be made for years of on-going monitoring against leakage or other site problems.

RECOMMENDATION 19-4. That the facility provide assurances for monitoring the site in the event the site is abandoned or otherwise closed.

SUGGESTION 19-4A. Even if the developer remains financially healthy and the facility operates successfully, there will come a time when the landfill is full and the facility in general is obsolete. The usual consequences of which is to close the facility and build another. While this may be 20 or 30 years away, it will eventually happen. Assurances need to be obtained that once the facility is closed, the developer will provide

for continued monitoring of the site and assume responsibility for any corrective actions that may be necessary, for at least an additional twenty years.

SUGGESTION 19-4B. Periodically, someone will suggest that after the landfill is closed, the surface may be put to other uses -- parks, housing complexes, schools. While such use may be possible, at some far future time, if everything has been done properly, it is simply flirting with disaster and totally unnecessary. Be wary of any plans to operate the facility for 25 years and then turn it over to the community for open or recreational space. Some might see such a plan as advantageous, but all it does is shift responsibility, should anything go wrong, from the developer to the community.

NOTES

# 20. Accident Planning

Accidents can and do happen and while poor management can contribute to a greater frequency of accidents, the best management in the world cannot guarantee against accidents. Management's role is to take all possible precautions to reduce the possibility of accidents, to take full and immediate steps to control and clean up the accident, to evaluate the accident, and take such steps as possible to preclude recurrence, and to assume such financial liability as the circumstances may warrant.

While there are many types of accidents which may happen, we are concerned here principally with accidents which may result in the uncontrolled liberation of hazardous materials in your community. Generally, this may happen in one of four ways:

A. Accident to the carrier, along the transportation route, while bringing hazardous materials to the facility;

B. Accident to the carrier while on the facility location;

C. Accident while moving, handling, examining, testing, or during temporary storage of materials, at the facility, from the time of offloading to the finald disposition; or

D. Accident at or involving the final processes: during or subsequent to liquid organics recovery, solidification or stabilization, aqueous treatment, incineration, or landfill.

RECOMMENDATION 20-1. That the facility develop accident plans; and that these plans be coordinated with local fire, police, safety, and public officials.

SUGGESTION 20-1A. The accident plans should cover the four types of accident situations listed above.

SUGGESTION 20-1B. At a minimum, there

should be separate accident plans for on-site versus off-site accidents; and for major versus minor accidents.

SUGGESTION 20-1C. All plans should be developed in cooperation with fire, police, and other appropriate local officials. Neighboring communities should also be included.

SUGGESTION 20-1D. Plans must spell out steps for alert, response, containment, control, clean up, and post-accident monitoring. Responsibilities must be clearly identified.

SUGGESTION 20-1E. The public must not be unduly alarmed, but evacuation plans must be made for major disaster contingencies.

SUGGESTION 20-1F. Plans must include procedures for careful inspection and post-accident monitoring of accident sites, even when the accident appears to have been minimal, or when no spill has been obvious. See also Recommendation 10-2.

SUGGESTION 20-1G. Plans must include means of public announcement and warning, when appropriate.

SUGGESTION 20-1H. Financial responsibility must be spelled out as much as possible. It may be assumed that vehicular or property damage will be covered by insurances and that site clean up will be done by the facility. What about the costs of extended monitoring? What about fire and police costs, expecially if off-duty or overtime personnel are required? What about evacuation costs?

RECOMMENDATION 20-2. That the facility provide protective gear/ safety equipment to fire and police officials.

SUGGESTION 20-2A. Regardless of what safety gear comes with the facility's response to the accident, unprotected fire and police officials will probably be the first to arrive at the accident scene, followed closely by rescue officials, particularly when the accident occurs away from the facility itself. The facility should provide a specified amount of safety gear directly to such officials, where it should be kept in

such a manner as to be quickly available in time of need. Perhaps some in the trunk of an on-duty police car, the rest at the fire station.

RECOMMENDATION 20-3. That the facility provide special training for fire, police, and rescue officials, as it relates to their needs at the scene of a hazardous waste accident.

SUGGESTION 20-3A. Such training should include initial containment response, control, rescue, public safety, and first aid. It should also include instructions on the use of the safety equipment to be provided by the facility.

SUGGESTION 20-3B. Such training should not be done once and forgotten. Regular refresher training should be scheduled, as well as initial training courses at periodic intervals for new fire, police, and rescue personnel.

NOTES

# 21. Future Development

In a large city, one specific operation can be completely lost to all but its immediate neighbors, customers, and business associates. As the size of the community shrinks, however, the operation becomes relatively larger and more visible. If the community is small enough, the operation dominates the landscape and impacts the identity of the community.

A hazardous waste facility would be lost in Boston. Which is to say that no one from another community would say, "I've been offered a job in Boston," and hear the response: "Really? That's too bad. Boston's a nice city but there's a big hazardous waste facility there." Reverse the locations and it is quite probable for the Bostonian to say, "I'm thinking of leaving the city and going to Smallville." And the response is: "Smallville! Isn't that where they've got the big chemical dump?"

The smaller your community, the greater the chance that the hazardous waste facility will be identified with the community, and the community with the facility.

There may be little that can be done to avoid such identification but certainly an awareness that it will happen is the first step toward planning strategies to either reduce its negative impact or to turn the identification to advantage.

RECOMMENDATION 21-1. <u>That the community establish a committee to review the Town's Master Plan for Future Growth and Development</u>.

SUGGESTION 21-1A. If you don't have such a plan, draft one.

SUGGESTION 21-1B. Face the hard reality that the siting of a hazardous waste facility <u>will</u> impact the community; and plan accordingly.

SUGGESTION 21-1C. The successful siting of a hazardous waste facility will probably attract the interest of other chemical and heavy industries, particularly those which are publicly perceived as "dirty"

and those which generate substantial amounts of waste. If the facility is going to be, then face the reality of it and recognize that the worst thing that could happen now is for a heavy, dirty, or waste generating industry to move into town...five years from now...on the other side of town.

SUGGESTION 21-1D. If you don't want to keep out such industry, or if you don't think you can keep them out, indefinitely, then plan for them now.

SUGGESTION 21-1E. Siting may scare off "clean" industry. The type of industry you probably prefer in your community may avoid you because they want to "protect" their image and because they fear many of their employees will refuse to relocate to a community with a hazardous waste site. You will need to plan an aggressive strategy to pursue clean industry. You will need to turn the facility itself (and perhaps its surrounding heavy industry) into an economic incentive for others. An industrial partk, such as discussed in Suggestion 7-1C, may prove to be an advantageous site conglomeration too great for so-called clean industry to ignore.

SUGGESTION 21-1F. Carefully review the natural and historic resources of the community. If there are significant potentials for tourism or recreational development, see if they can be protected. If they can't be protected -- or if you don't have them to begin with -- then guide the community's future development into other areas. Some thing you may have to lose; fishing downstream from a hazardous waste landfill will probably never be a popular past-time, if only for psychological reasons.

SUGGESTION 21-1G. Review your agricultural situation. Compare with the experience of farmers near other hazardous waste sites. What will you lose? How much farm land will be taken out of production because of the site itself, because of new home construction, for other reasons? Can your community sustain the loss? If not, can you plan to develop other areas as farm land?

NOTES

# 22. Wildlife

What impact will siting the facility have on area wildlife? Aside from their place in the biosystem and their scientific values, wildlife play an important role in our social and economic lives. Watching a squirrel run through the trees, or listening to a bird sing, has social value. Hunting and fishing are no longer means of livelihood but have become social and recreational pastimes. To the degree that they are practiced in your community, hunting and fishing play an economic role, not for the fish and game, but for the equipment sold, the people employed, and the monies spent by hunters/fishers passing through town. Bees play a vital role in agricultural economics.

Keep in mind that wildlife may be impacted in a number of ways:

- directly destroyed as a result of excavation, construction, or other land development.

- directly destroyed as a result of closer contact with man, his traps and poisons, his equipment, and his pets.

- forced out as a result of land taking for the facility, new homes, and other industrial growth.

- forced out by sub-division. That is, if a particular animal normally requires a 50-acre range, the sub-division of 100 acres into a 30-acre housing complex and two 35-acre parcels left in "natural cover," does not necessarily leave 70 acres and hence habitat for the animal. Either of the two parcels may now be too small and if movement between the two areas requires crossing the developed zone, the animal may be forced to move.

- further retreat beyond the limits of newly developed land, in an effort to maintain a specific "distance" between themselves and man.

- retreat from noise or odor.

- cut off from normal range and territory by new roads or by increased traffic on previously under-used roads.

- directly destroyed or maimed crossing roads.

- destroyed or forced out by water pollution, or relatively minor changes in water temperature, chemical balance, suspended solids, flow, or volume.

- indirectly destroyed as a result of man's efforts to control insects in and around his newly developed territory.

RECOMMENDATION 22-1. That the community recognize that wildlife habitat is a diminishing resource which must be protected; and that they call upon fish, game, and conservation specialists to evaluate the impact of siting and related development, on wildlife.

NOTES

# 23. Post-Negotiation Problems

After negotiations have been completed and even though both parties (the community and the facility) are satisfied and in agreement, problems may still arise. Among these potential "post-negotiation problems" are:

A. Interpretation. It's there, in the Siting Agreement, in black and white. But now that it's time to do it, the community thinks it means one thing while the facility thinks it means another. Differing interpretations may arise from ambiguity, honest differences of opinion, or deliberate efforts to avoid a prior commitment. Whatever the cause, a means of resolution is necessary.

B. Enforcement. It was agreed to and there is no problem of interpretation (or if there was, it has been resolved); but, for whatever reason, the facility (or the community) fails (or refuses) to live up to the agreement. How can it be enforced?

C. Re-negotiation. It was agreed to by both parties in good faith, and that good faith remains, but the situation has changed. In some cases it may be unrealistic to stick to the original agreement and totally proper to re-negotiate specific parts of the Siting Agreement in consideration of the new circumstances.

RECOMMENDATION 23-1. That a method for resolving differences of opinion/interpretation be agreed to as part of the Siting Agreement.

SUGGESTION 23-1A. Historically, it has been the business of courts and juries to interpret and resolve differences of opinion. Such procedures, however, are usually costly, time consuming, and breed antagonism between the contesting parties. An agreed to system of arbitration makes more sense.

SUGGESTION 23-1B. If a method of binding arbitration cannot be achieved, there is still much to be said for non-binding arbitration as it generally permits differences to be discussed more calmly by a smaller group and is often successful. If no agreement can be

reached, both parties retain recourse to the court system.

RECOMMENDATION 23-2. That a means of enforcing provisions of the Siting Agreement be achieved.

SUGGESTION 23-2A. Generally, this would mean that the Siting Agreement be drawn up as a legal contract, which is required under the Massachusetts Siting Act, but may not be the case in other states.

SUGGESTION 23-2B. Regardless of law and legal contracts, enforcement of an issue may sometimes be moot. Care should be taken to identify areas of the Siting Agreement where "after-the-fact" or "fait accompli" enforcement is relatively useless. In such cases, monetary penalties written into the contract may be the best available enforcement.

SUGGESTION 23-2C. In a few areas, both enforcement and monetary penalties may be of no avail -- should the facility become bankrupt, for example. Surety and/or Performance Bonds may be the only "enforcement protection" against such situations. See also Recommendation 19-3.

RECOMMENDATION 23-3. That the community and the facility agree to a method whereby either may request re-negotiation of any part of the Siting Agreement.

SUGGESTION 23-3A. You may wish to draw up a listing of acceptable reasons for re-negotiation; or you may wish to designate which sections of the Siting Agreement are re-negotiable under what circumstances, and which are not.

SUGGESTION 23-3B. Ensure inclusion of proper legal language along the lines that "agreement to re-negotiate any specific portion of the Siting Agreement does not constitute agreement to re-negotiate other portions of the Agreement;" and "Voiding or nullification of any portion of the Agreement does not void or nullify the entire Agreement."

# A Final Note

Modern technology makes it possible for a hazardous waste facility, located almost anywhere, with proper management, to be safe within acceptable levels of risk.

The biggest negative impacts of such a siting are psychological, disruptive, and abrasive. Its advantages are economic.

With careful, thorough, and advance planning, a community can minimize the negatives and take advantage of the positive.

Avoid "crisis planning." Don't wait until a situation has to be handled...plan in advance. Right now, the future of your community is in your hands. Later on, it will be in the hands of people who are up against a situation; and they will react, not in the interests of the future, but in the interests of the moment.

# About the Author

Mike Hurley is a journalist, a sociologist, and a geographer; three disciplines which are tailor-made for the subject of this work.

After receiving his bachelor's degree in English from North Dakota State University, Mr. Hurley enlisted in the Navy and served as a journalist for two years. He was then commissioned and remained on active duty another eight years as a public affairs officer, during which time he did postgraduate work in Journalism at Indiana University. He is a Viet Nam veteran and holds the grade of Lieutenant Commander, U.S. Naval Reserve, Retired.

Commencing his civilian career in 1972, Mr. Hurley became director of the Community Service Officers, in Fall River, a paraprofessional civilian arm of the police department which provided security and social services in city-wide, low-income public housing complexes. In 1976, he became associate director and chief of administration for Citizens For Citizens, Inc. (CFC), the anti-poverty and community action agency for the Greater Fall River and Greater Taunton areas.

In late 1976, Mr. Hurley brought a grant into the Agency for the design and construction of an experimental passive solar greenhouse. Successful in that venture, he ultimately obtained four other grants for solar energy research and development, including innovative greenhouse designs, active solar units, and a solar water desalination-disinfectant unit. Recognized as one of the pioneers of the solar resurgence throughout New England, he has also applied himself to the broader problems of energy and energy options, appropriate technologies, food alternatives, and environmental issues. In 1981, he brought yet another dimension to CFC with a Rural Community Assistance Program (RCAP) contract for involvement with water, wastewater, and hazardous waste issues throughout Massachusetts. Deciding to add an academic dimension to his experience, Mr. Hurley returned to night school in 1978 and has nearly completed coursework for the Master of Arts in Teaching (Geography) degree from Bridgewater State College.

This present work, Social and Economic Issues in Siting a Hazardous Waste Facility, grows out of his multi-dimensional experience, his work on hazardous waste issues for RCAP, and a course in "Hazardous Waste Management," taken as part of his Master's program.

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